IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Second Appeal No. 1158 of 2001
(Old No. 204 of 2000)

1. Smt. Deepa Singh W/o Late Gyan Singh
   R/o Narishilp Mandir Dehradun
2. Sri Sagar Singh S/o Late Gyan Singh
   (minor aged about 14 years)
3. Sri Vishal Singh S/o Late Gyan Singh
   (minor aged about 14 years)
4. Km. Shalni Singh D/o Late Gyan Singh
   (minor aged about 10 years)
   All appellants No. 2 to 4 are represented
   Through their mother and natural guardian
   Smt. Deepa Singh
   All R/o Narishlip Mandir
   Dehradun
5. Sri Sanjeev Kumar S/o Late Mahendra Singh
   49 Narishilp Mandir
   Dehradun .....Appellants

Vs

Smt. Anand Bala Bhushan
W/o Kunwar Brij Bhushan
R/o 17 Inder Road
Dehradun .....Respondent

Sri Vinay Kumar, learned counsel for the appellants

Hon'ble B.C. Kandpal, J.

This second appeal has been preferred by the appellant against the judgment and decree dated 10.02.2000 passed by Additional District Judge, Dehradun in Civil Appeal No. 568 of 1986 arising out of the judgment and decree dated 05.08.1986 passed by IInd Additional Civil Judge, Dehradun in Original Suit No. 16 of 1973.

2. Brief facts of the case are that the plaintiff/respondent filed a suit before the IInd Additional Civil Judge, Dehradun who decreed the suit in favour of the plaintiff/respondents vide judgment and decree dated 05.08.1986.

3. Feeling aggrieved by the aforesaid judgment and decree, the defendant/appellants preferred an appeal before the first appellate court which was dismissed vide judgment and decree dated 10.02.2000.

4. Feeling aggrieved by the aforesaid judgments and decree, the appellants/defendants preferred an appeal before the Allahabad High Court which has been transferred to this Court after creation of separate State.

5. Heard Sri Vinay Kumar, learned counsel for the appellants on the point of admission and perused the record.

6. Having considered the arguments advanced by the learned counsel for the appellant and after perusing the entire evidence on record, I am of the view that, this second appeal is concluded by concurrent finding of facts, I, therefore, do not find any ground to interfere in the impugned judgments and orders passed by the courts below. Both the courts below have recorded concurrent finding of fact, which cannot be interfered at the stage of second appeal. I also do not find any substantial question of law involved in this case.

7. The second appeal lacks merit and is liable to be dismissed.

8. Accordingly, the second appeal is dismissed in-limine.

(B.C. Kandpal, J.)

16.12.2006
ASWAL